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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,412	10/09/2001	Paul T. Brescia	7000-091	5711

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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/973,412

Applicant(s)

BRESCIA, PAUL T.

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/08/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 39-54 are pending.

Making Final

Applicant's arguments filed 02/15/2007 have been fully considered but they are not persuasive.

The claim amendments regarding -- '*operating an application server*' -- do not overcome the disclosure by the prior art as applied in the prior Office Action, as shown below.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kariya (US Patent 6169897).

Kariya disclosed (re. Claim 39) a method for providing content to a mobile terminal user based on a location of a mobile terminal, comprising: establishing a plurality of unique internet protocol addresses from each of which unique content may be accessed, wherein said unique content is location specific (Kariya-Column 4 Lines 30-35) ; associating each of the plurality of unique internet protocol addresses with different geographic locations based on the location specific unique content (Kariya-Column 4 Lines 30-35, Column 6 Lines 10-15); determining a current location of the mobile a terminal (Kariya-Column 4 Lines 45-55); determining if content is available for the current location of the mobile terminal (Kariya-Column 5 Lines 30-35) ; identifying which of the plurality of unique internet protocol addresses corresponds to the current location of the mobile terminal (Kariya-Column 5 Lines 30-35); delivering the identified address to the mobile terminal such that the mobile terminal user may selectively access the content using the identified address (Kariya-Column 6 Lines 50-65).

Kariya disclosed (re. Claim 40) wherein the identified address is delivered to the mobile terminal via one of the group consisting of: email, short message service, system signaling seven message, and web page (Kariya-Column 6 Lines 50-65).

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Kariya disclosed (re. Claim 41) allowing access to the content when the mobile terminal uses the identified address (Kariya-Column 6 Lines 50-65, Column 7 Lines 1-10).

Kariya disclosed (re. Claim 42) delivering the content to the mobile terminal in response to a request from the mobile terminal using the identified address.(Kariya-Column 5 Lines 55-60, Column 7 Lines 1-10)

Kariya disclosed (re. Claim 43) receiving a trigger initiated by an action of the mobile terminal as a condition of determining the current location of the mobile terminal (Kariya- Column 4 Lines 45-55).

Kariya disclosed (re. Claim 44) receiving a trigger unrelated to an action of the mobile terminal as a condition of determining the current location of the mobile terminal (Kariya- Column 7 Lines 15-20).

Kariya disclosed (re. Claim 45) a service to generate the trigger.(Kariya-Column 1 Lines 30-40)

Kariya disclosed (re. Claim 46) providing a profile of a user of the mobile terminal, and screening the content associated with the plurality of unique internet protocol addresses based on the profile. (Kariya-Column 1 Lines 30-40)

Kariya disclosed (re. Claim 47) an apparatus for providing content to a mobile terminal user based on a location of a mobile terminal, comprising: a network interface (Kariya-Column 5 Lines 20-25); a control system associated with said network interface and adapted to: establish a plurality of unique internet protocol addresses from each of which unique content may be accessed, wherein said unique content is location specific (Kariya- Column 2 Lines 35-45); associate each of the plurality of unique internet protocol addresses with geographic locations based on the location specific unique content (Kariya-Column 2 Lines 45-50); determine a current location of the mobile terminal ; determine if content is available for the current location of the mobile terminal; identify which of the plurality of unique internet protocol addresses corresponds to the current location of the mobile terminal; deliver the identified address to the mobile terminal such that the mobile terminal user may selectively access the content using the identified address.

Kariya disclosed (re. Claim 48) wherein the identified address is delivered to the mobile terminal via one of the group consisting of: email, short message service, system sipjnalng seven message, and web page. (Kariya-Column 6 Lines 55-65)

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Kariya disclosed (re. Claim 49) wherein the control system is further adapted to allow access to the content when the mobile terminal uses the identified address:

(Kariya-Column 7 Lines 5-15)

Kariya disclosed (re. Claim 50) wherein the control system is further adapted to deliver the content to the mobile terminal in response to a request from the mobile terminal using the identified address. (Kariya-Column 6 Lines 60-65)

Kariya disclosed (re. Claim 51) wherein the control system is further adapted to receive a trigger initiated by an action of the mobile terminal as a condition of determining the current location of the mobile terminal. (Kariya- Column 4 Lines 45-55)

Kariya disclosed (re. Claim 52) wherein the control system is further adapted to receive a trigger unrelated to an action of the mobile terminal as a condition of determining the current location of the mobile terminal. (Kariya- Column 7 Lines 15-20)

Kariya disclosed (re. Claim 53) further comprising a service provided computer to generate the trigger. (Kariya-Column 1 Lines 30-40)

Kariya disclosed (re. Claim 54) wherein the control system is further adapted to provide a profile of a user of the mobile terminal, and screen the content associated with the plurality of unique internet protocol addresses based on the profile. (Kariya-Column 1 Lines 30-40)

Response to Arguments

Applicant's arguments filed 02/15/2007 have been fully considered but they are not persuasive.

The Applicant claim amendments regarding the '*operating an application server*' is not given patentable weight, as the body of the claims do not reference said '*application server*'. In response to applicant's arguments, the recitation '*operating an application server*' has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

Since there are no substantial amendments to the body of the claims in the present amendment, the Examiner respectfully maintains that the prior art by Kariya fully disclosed the claimed invention.

Furthermore, in order to expedite prosecution, the Examiner encourages the Applicant to consider prior art by Rankin (US Patent 6879838) which fully disclosed an application server *delivering the identified address to the mobile terminal*. (Rankin – Column 3 Lines 50-60, Column)

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

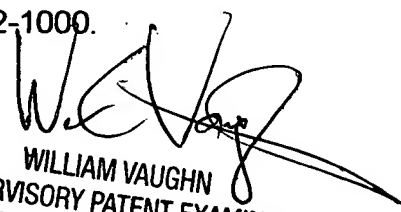
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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